THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.5556 OF 2006

DATED: 21ST JULY, 2006.

Between :

Cholaveti Gopala Krishna … Petitioner

And

1. APSRTC, rep. by its M.D., Musheerabad, Hyderabad, and 3 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.5556 OF 2006

ORDER :

The petitioner was granted a licence for cool drink shop at Mydukur Bus-depot by the A.P. State Road Transport Corporation (APSRTC). The period of licence commenced from 9-2-2002 for a period of three (3) years. The petitioner claims that he has paid the security deposits to the tune of Rs.1,53,735/- and Rs.80,000/- while granting licence. Subsequently, the licence was cancelled w.e.f. 21-6-2002 on the ground that the petitioner committed default in payment of licence fee. Though the petitioner did not challenge the termination of licence, it is contended that the action of the respondents in withholding the security deposit amount is arbitrary and illegal.

The petitioner pleads that since no damage was caused to the Corporation, the Corporation is not entitled to forfeit the deposits made by him. Hence, this writ petition seeking a direction to the respondents to return the deposits made by the petitioner together with exemplary costs.

On behalf of the Corporation, a counter-affidavit has been filed stating that having terminated the licence vide proceedings dated 21-6-2006 in terms of clause-18 of the agreement, security deposit was forfeited.

At the outset, it is to be noted that the dispute raised in this writ petition arises out of a concluded contract and even assuming that the impugned action is in breach of terms and conditions agreed upon, the relief sought is nothing but enforcement of terms and conditions of a

non-statutory contract which cannot be granted by this Court in exercise of jurisdiction under Article 226 of the Constitution of India. Hence, on that ground alone, writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

However, this shall not preclude the petitioner to work out the appropriate common law remedy, if he is so advised.

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G. ROHINI, J.

Dt. 21-7-2006

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